

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

GREGORY L. HOUSTON,

Plaintiff,

v.

Case No.

PEPSICO, INC.,

Defendant.

**NOTICE OF REMOVAL**

Defendant, PepsiCo, Inc., by its attorneys and pursuant to 28 U.S.C. §§ 1441 and 1446, hereby removes this action filed by Plaintiff Gregory L. Houston in the Circuit Court for Davidson County, Tennessee at Nashville (the “State Court”), to the United States District Court for the Middle District of Tennessee. This action may be removed because this Court has original jurisdiction under 28 U.S.C. § 1332 based on the complete diversity of the parties. In support of removal, Defendant states as follows:

1. This action was filed and is presently pending as Case No. 14 C 4052 in the Circuit Court for Davidson County, Tennessee, at Nashville under the caption *Gregory L. Houston v. PepsiCo, Inc.* Plaintiff’s Complaint contains asserts claims under the Tennessee Whistleblower Act and Tennessee Human Rights Act.

2. On October 3, 2014, Defendant’s registered agent was served with a copy of the Summons and Complaint. A copy of the Summons and Complaint, which constitutes all process, pleadings and orders served upon Defendant, is attached hereto as Exhibit A.<sup>1</sup>

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<sup>1</sup> The Complaint shall be cited herein as “Complaint ¶ \_\_\_\_.”

3. Defendant's Notice of Removal is timely pursuant to 28 U.S.C. § 1446 because it is filed within thirty (30) days of the date on which Defendant was served with the Complaint.

4. Plaintiff is a resident and a citizen of the state of Tennessee. (Complaint ¶ 1).

5. Defendant is incorporated under the laws of North Carolina and its principle place of business is in Purchase, New York. Defendant is therefore a citizen of North Carolina and New York. 28 U.S.C. § 1332(c)(1).

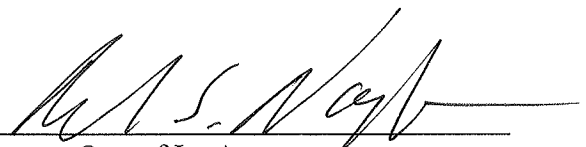
6. Based on the respective states of citizenship of the parties, there is complete diversity.

7. Plaintiff's Complaint seeks damages for back pay, front pay, lost benefits, pain and suffering, loss of enjoyment of life, anxiety and depression, medical bills and expenses, incidental damages and attorneys' fees. He seeks up to \$300,000 in compensatory damages, alone. (Complaint ¶¶ 29; Prayer for Relief). The amount sought plainly exceeds \$75,000.

8. Because there is complete diversity and the amount in controversy exceeds \$75,000, removal of Plaintiff's claims to this Court is appropriate.

9. In accordance with 28 U.S.C. § 1446(d), Defendant, upon the filing of this Notice of Removal, will also file a copy of such Notice with the State Court and mail a copy to Plaintiff by first-class mail, postage prepaid and serve the same via the Court's electronic filing system.

PEPSICO, INC.

By:   
One of Its Attorneys

***LOCAL COUNSEL***

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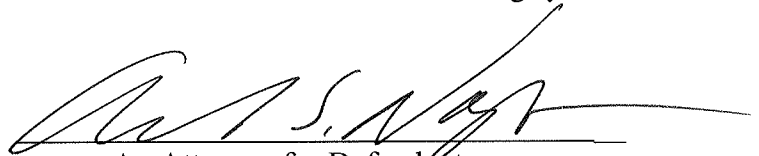
*Counsel for Defendant*

**CERTIFICATE OF SERVICE**

The undersigned certifies that he has caused a copy of the foregoing NOTICE OF REMOVAL to be served upon:

Andy L. Allman  
Jedidiah L. Cochran  
103 Bluegrass Commons Boulevard  
Hendersonville, Tennessee 37075

by causing a copy of same to be deposited in the United States Mail, postage prepaid, before the hour of 5:00 p.m. this 31 day of October, 2014 and via this Court's electronic filing system.

  
An Attorney for Defendant